

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed June 21, 2006. Claims 1-40 remain pending. Reconsideration and reexamination are respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1-40 are rejected as being anticipated by Launey et al. (U.S. 5,086,385). Regarding independent claims 1 and 40, the Examiner asserts that Launey et al. disclose a method of accessing a schedule on a controller coupled to a user interface (column 3, lines 39-43), substantially as claimed. The Examiner has interpreted "status information" as read-only data, citing column 18, lines 37-44 for such a teaching. Applicants respectfully traverse the rejection. Applicants wish to point out that independent claims 1, 13, 25, 39, and 40 recite, in part, "schedule parameter", rather than "status information" as asserted by the Examiner. Applicants submit that the "status information" taught by Launey et al. does not appear to be read-only data and does not appear to be a schedule parameter of a schedule, as is recited in the claims.

Launey et al. appear to teach a home automation system for controlling various systems in a home, where the automation system has two modes: initialization and normal operation. See column 52, lines 17-19. In the normal operation mode, the system of Launey et al. appears to allow the user to review and modify the parameters of the system. See column 53, lines 22-43. Launey et al. do not appear to teach a schedule review mode permitting read-only access to a schedule parameter of a schedule.

The Examiner asserts that Launey et al. teach a schedule review mode permitting read-only access to at least one schedule parameter in the schedule, pointing to column 18, lines 37-44 for support. The cited portion of Launey et al. teaches:

As shown in FIG. 3h, the user has touched the zone 14 which is the right living room window. The status information at the bottom of the screen, under the zone

and name of the zone information, indicates that the zone is currently enabled. The system status information to the left of the floor layout indicates that the system is ready to arm. In a block above the system status information, a zone key is provided.

The Examiner states that the "status information" of Launey et al. has been interpreted as being read-only data. Applicants respectfully disagree with this interpretation of Launey et al. There is no indication in Launey et al. that the status information is read-only. In fact, Launey et al. appear to teach just the opposite, with the user being able to modify the system, and thus the status, from the touchscreen displaying the status information. Launey et al. teach, in the portion immediately after that cited by the Examiner:

The sub-menu touchscreen shown in FIG. 3i is similar to the touchscreen shown in FIG. 3h, with the exception that the status of zone 14 is now disabled. Thus, the function box provided on the right hand portion of the screen is one which would allow that zone to be enabled, instead of allowing the zone to be disabled, as shown in FIG. 3h. In the upper left hand corner of the floor layout of FIG. 3i, it can be seen that the user has also disabled another window. Thus, the screen graphically shows the present status of all security zones on the system. In order to arm the security system, the user touches the "ARM SYSTEM" box on FIG. 3i and the touchscreen of FIG. 3j appears.

(Emphasis added; see column 18, lines 45-57). Launey et al. thus appears to teach the system allowing the user to arm or disarm, changing the status and thus the status information, of the security system from the touchscreen showing the status information. FIGS. 3H and 3I clearly illustrate a touchscreen showing status information and having buttons for arming the system or disabling/enabling the current zone, as specifically taught by Launey et al. Applicants submit that one of ordinary skill in the art would not interpret the status information of Launey et al. as being read-only, but rather as merely providing an indication of the current status of the system while allowing the user to change or edit the system parameters from that same screen. Launey et al. thus do not appear to teach a method including a step of initiating a schedule review mode within a controller, said schedule review mode permitting read-only access to at least one schedule parameter in the schedule, as is recited in independent claim 1. Similarly, Launey et al.

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do not appear to teach a computer readable medium having stored thereon a computer program that performs the step of initiating a schedule review mode that does not permit a user to modify at least one schedule parameter without entering an editing mode, as recited in claim 40. If the rejection is maintained, Applicants respectfully request the Examiner provide further explanation of how the status information of Launey et al. is interpreted as being read-only data, and how Figures 3H-3I provide a schedule review mode as claimed.

Regarding claims 2-5, 13-16, and 26-29, the Examiner asserts that Launey et al. discloses the method steps of initiating a schedule review mode prior to a step of initiating an editing mode, citing column 16, lines 24-39 for support. Applicants respectfully traverse the rejection. As stated above, Launey et al. teach "two phases to the operational sequence of the disclosed home automation system, the system initialization and normal operation phases." See column 52, lines 17-19. Launey et al. teach the system initialization phase beginning when the system is first installed, and after initialization, control of the individual home systems is passed to the control system in the normal operation phase. See column 52, lines 19-28. Launey et al. thus appear to teach a system and method having two phases: initialization or set-up, and normal operation. Launey et al. teach the normal operation phase as having menus and touchscreens from which the user can review and modify the parameters of the various home systems controlled by the control system. See column 53, line 22 through column 54, line 52. Launey et al. teach the schedule functions are set and modified by the user through the use of a monitor and touchscreen. See column 15, line 59 through column 16, line 39. Launey et al. appear to teach the normal operation mode allowing the user to both review and edit the schedules. Launey et al. do not appear to teach separate schedule review and editing modes, as is recited in independent claim 13.

Independent claims 1 and 13 are method claims and recite specific method steps. Applicants submit that in order to anticipate the claims, a reference must teach the recited combination of specific method steps. For at least the reasons set forth above, Launey et al. do not appear to teach or suggest the recited specific method steps.

Regarding independent claims 25 and 39, the Examiner asserts that Launey et al. teach a programmable controller having a processor configured to run a scheduling routine including a separate schedule review mode and editing mode, wherein the schedule review mode is configured to permit the user to display one or more schedule parameters without allowing the user to modify at least one of the schedule parameters without first initiating the editing mode, citing column 38, lines 3-15 for support. The Examiner also states that "current security floor plan" is being interpreted as a schedule review mode and the mode when the password is entered is being interpreted as the editing mode.

Applicants do not understand the basis for this interpretation. Launey et al. teach the home automation system as controlling a security system, where, if the security system is armed, the user is prompted to enter a password in order to change the system from armed to disarmed, and if no password is entered, the current security floor plan is redisplayed. See column 38, lines 2-15. However, when the security floor plan is redisplayed, the system appears to be conducting a loop based on whether or not a password has been entered, whereby if the password is not entered or is entered incorrectly, the system goes back to the floor plan display and allows the user to try again to enter the password. If the password is entered correctly, the system allows the user to arm/disarm the security system. However, Launey et al. do not appear to teach the system as permitting the user to display one or more schedule parameters without allowing the user to modify the schedule parameters (e.g. without first initiating an editing mode). Rather, when the security floor plan is redisplayed upon failure to enter a correct password, it appears the system just loops back to the point where the password may be re-entered. Certainly, the security floor plan that is displayed prior to entering a valid password cannot reasonable be considered a schedule review mode, as recited in the claims. Moreover, Launey et al. do not appear to teach displaying one or more schedule parameters. The current security floor plan taught by Launey et al. thus does not appear to be related in any way to a schedule review mode as recited in the claims.

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As stated above, Launey et al. appear to teach the control system as having two modes: initialization or set-up and normal operational mode, in which the user may modify any of the system parameters.

MPEP § 2131 states that, in order to anticipate:

The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

(Emphasis added). Applicants submit that Launey et al. do not appear to teach the specific method steps recited in the claims in as complete detail as recited in the claims. Further, if the Examiner is asserting that the claimed method steps are inherent in the system and method of Launey et al., Applicants respectfully submit that this is not the proper standard for anticipation.

With respect to inherency, MPEP § 2112(IV) states:

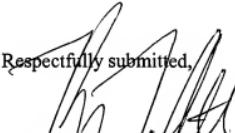
The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)

(Emphasis Added). Applicant does not believe it can readily be argued that Launey et al. necessarily includes a schedule review mode that permits the user to display, or have read-only access to, one or more schedule parameters of a schedule, as the Examiner appears to be suggesting.

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For these and other reasons, Launey et al. do not appear to teach each and every element of independent claims 1, 13, 25, 39, or 40, nor do Launey et al. appear to teach each and every element of the claims dependent therefrom. Additionally, there is no motivation for one of ordinary skill in the art to modify the teachings of Launey et al. to achieve the claimed invention. Withdrawal of the rejection is respectfully requested.

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims 1-40 are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.


Respectfully submitted,

Dated: September 19, 2006

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